

THE RECLATION BOARD - OCTOBER 19, 2007

PROPERTY MANAGEMENT – Agenda Item No. 7

SUBJECT:

Easements with Kimball Hill Homes California, Inc. (Kimball) – River Walk Subdivision

LOCATION:

City of Stockton, San Joaquin County. South levee of the Calaveras River between Grange and Pershing Avenues. (site exhibit attached)

REQUEST:

- Staff requests a consent vote to grant an access easement to the River Walk Homeowners' Association (RHA) for access to the City of Stockton's easement for non-vehicular trail use over River Drive.
- Staff requests a consent vote to accept a levee maintenance easement along the south levee of the Calaveras River from Kimball Hills Homes California, Inc. without payment of compensation by the Board.

There is no enumeration involved with either easement requests.

STAFF RECOMMENDATION:

- Staff recommends the Board grant an access easement to RHA
- Staff recommends the Board accept an easement from Kimball.

JUSTIFICATION:

1) The access easement grants RHA access to the City's bike and pedestrian trail along River Drive. River Drive is located along the crown of the south levee of the Calaveras River at this location. The RHA would have the responsibility for maintenance of the easement. When the Board purchased the property upon which the levee and River Drive are located, the Board's ownership was subject to reservations benefiting the grantor and their successors. The reserved rights included water and riparian rights, recreational rights, and the right of reasonable access to enjoy those rights. Kimball is the successor in interest and enjoys those rights. Kimball has requested that the access easement be granted to RHA. The requested access easement is 2,379 square feet in size and is located adjacent to Lot C of the subdivision.

There would be no enumeration for this easement and maintenance would be the responsibility of the RHA.

2) Kimball is proposing to grant a levee maintenance easement to the Reclamation Board without cost. Kimball's engineers performed a land survey of the landward slope of the south levee of the Calaveras River adjacent to the River Walk Subdivision to determine if a ten foot wide maintenance area existed between the subdivision and the landward toe of the levee. The survey found several areas where there was less than ten feet. The proposed levee maintenance easement corrects this condition by granting easements over a portion of six of the subdivision lots. The easements range in size from 17 square feet to 813 square feet for a total of 1,734 square feet (0.04 acres).

The advantage to the Board to accept this easement is that it provides a 10-foot wide levee maintenance easements, without cost to the Board.

PREVIOUS ACTION:

Reclamation Board Permit No. 18086 GM dated September 25, 2006 was issued for the construction of a concrete ramp and retaining wall to provide handicapped access to River Drive on the proposed access easement.

BACKGROUND:

The Board purchased the levee upon which River Drive is located in fee as part of the Mormon Slough III Project in 1971 from the Estate of Victor C. Santa Maria by grant deed. When the Board took ownership of the property, the grantor reserved water and riparian rights which included recreational rights and the right of reasonable access for themselves and their successors in interest. Kimball is the successor in interest to the Estate of Victor C. Santa Maria.

As part of the City of Stockton's Planning Commission subdivision approval, various conditions were placed on Kimball for the residential subdivision called River Walk. The two conditions impacting the Board are:

- 1) Kimball needed to assure there is a ten foot wide levee maintenance easement along the landward toe of the south levee of the Calaveras River.
- 2) The City of Stockton requires Kimball to obtain a recorded easement deed from the Board for access - even though Kimball has the right of reasonable access across the Board's property.

ATTACHMENTS:

Maps showing:

- Site of the River Walk subdivision
- Area of the access easement on to River Drive
- Areas of the maintenance easement at the toe of the levee
- Easement deed to River Walk Homeowners' Association
- Easement deed from Kimball Hill Homes California, Inc

POINT OF
COMMENCEMENT

FD. 2 1/2" BRASS CAP
IN CONC. MONUMENT
STAMPED "8S-13, LS 6670"
IN MONUMENT WELL

N=2175160.95

E=6322447.50

N 05°57'11" E 12325.79'

BASIS OF BEARINGS

NORTHERLY RIGHT-OF-WAY
LINE OF LA JOLLA DRIVE

S 02°47'56" E
6819.25'

FD. 2 1/2" BRASS CAP
IN CONC. MONUMENT
STAMPED "14N-10, LS 6670"
IN MONUMENT WELL

N=2187420.27

E=6323725.86

GRANGE AVENUE

EASTERLY LINE OF GRANGE AVENUE

SOUTHERLY LINE OF PROPERTY GRANTED
TO SACRAMENTO AND SAN JOAQUIN
DRAINAGE DISTRICT PER DEED
RECORDED ON FEB. 11, 1971 IN BOOK
3490 O.R., AT PAGE 64, S.J.C.R.

LOT "B"

TRACT No. 3521
RIVERWALK
VOL. 41-MAPS & PLATS, -PG. 34
S.J.C.R.

S 67°03'15" E
155.85'

(ABANDONED)
RIVER DRIVE

ABANDONED PER CITY COUNCIL RESOLUTION NO. 03-0692,
AND RECORDED ON NOVEMBER 26, 2003 IN OFFICIAL
RECORDS AT DOCUMENT No. 2003-273390, S.J.C.R.

CALAVERAS RIVER

EASEMENT FOR NONVEHICULAR TRAIL
USE, IN, UPON, OVER AND ACROSS
THE ABANDONMENT AREA RESERVED
PER RECORD PER STOCKTON CITY
COUNCIL RESOLUTION NO. 03-0692,
AND RECORDED ON NOVEMBER 26,
2003 IN OFFICIAL RECORDS AT
DOCUMENT No. 2003-273390, S.J.C.R.

LINE TABLE

LINE	BEARING	LENGTH
L1	S 17°09'00" E	14.00'
L2	N 15°30'39" E	6.65'
L3	N 74°33'09" W	111.51'
L4	N 15°31'08" E	7.00'
L5	S 74°28'52" E	2.86'
L6	S 83°14'45" E	103.09'
L7	N 06°59'26" E	9.24'

SCALE: 1" = 50'

BASIS OF BEARINGS

BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE
CALIFORNIA COORDINATE SYSTEM 83, ZONE 3 (1991.35). A LINE
BETWEEN CITY OF STOCKTON MONUMENTS, STAMPED NO. 8S-13 AND
STAMPED NO. 14N-10 BEARS N 05°57'11" E AS CALCULATED FROM
CITY OF STOCKTON TRAVERSE CONTROL MONUMENT SURVEY,
PHASE XIV, FILED FOR RECORD IN BOOK 35 OF SURVEYS, AT PAGE
5, SAN JOAQUIN COUNTY RECORDS. ALL DISTANCES SHOWN ARE GRID
LEVEL DISTANCES AND MUST BE MULTIPLIED BY 1.000058053
(AVG BETWEEN 8S-13 AND 14N-10) TO OBTAIN GROUND DISTANCES.

NorthStar
Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
909 14th Street, Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

JOB NO. 04-222
DATE September 26, 2006
SCALE 1" = 50'
DR. BY CKJ
FILE: ramp easement.dwg

**NONVEHICULAR
TRAIL USE
EASEMENT**

LET 9 OF 12

NORTHSTAR ENGINEERING GROUP, INC.

909 14th Street, Modesto, CA 95354
(209) 524-3525

- (R1) - RECORD PER MAP OF PACIFIC CARBONS RECORDED ON JUNE 29, 1925 IN BOOK 10 OF MAPS AND PLATS, AT PAGE 38, S.J.C.R.
- (R2) - RECORD PER MAP OF RIVER TERRACE RECORDED IN BOOK 11 OF MAPS AND PLATS, AT PAGE 103, S.J.C.R.
- (R3) - RECORD PER MAP OF MISSION VILLAGE RECORDED IN BOOK 13 OF MAPS AND PLATS, AT PAGE 77, S.J.C.R.
- (R4) - RECORD PER MAP OF RIVER TERRACE UNIT No. 2 RECORDED ON MAY 7, 1975 IN VOLUME 21 OF MAPS AND PLATS, AT PAGE 29, S.J.C.R.
- (R5) - RECORD PER DEED GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT RECORDED ON FEB. 11, 1971 IN BOOK 3490 O.R., AT PAGE 84, S.J.C.R.
- (R6) - RECORD PER DEED GRANTED TO KIMBALL HILL ET AL., AND RECORDED ON OCTOBER 5, 2004 IN O.R. AT DOCUMENT No. 2004-226142, S.J.C.R.
- (R7) - RECORD PER BOOK 35 OF SURVEYS, AT PAGE 5, S.J.C.R.
- (R8) - RECORD PER STOCKTON CITY COUNCIL RESOLUTION No. 03-0692, AND RECORDED ON NOVEMBER 26, 2003 IN O.R. AT DOCUMENT No. 2003-273390, S.J.C.R.

FD. BRASS DISC MARKING CITY OF STOCKTON
CONTROL MONUMENT IN MONUMENT BOX FOR
GPS CONTROL PER (R3)
SET 3/4" X 24" IRON PIPE, TAGGED LS 6805, IN
MONUMENT WELL UNLESS NOTED OTHERWISE.

FD. 3/4" REBAR TAGGED LS RCE 14269, IN MONUMENT
WELL PER (R4), UNLESS NOTED OTHERWISE.

FD. MONUMENT AS NOTED

SET 3/4" X 24" IRON PIPE TAGGED L.S. 6805
INDICATES A SET 3.00" WITNESS CORNER, MEASURED
ALONG THE LOT LINE OR NOTED BEARING, FROM
ACTUAL LOT CORNER. THE DISTANCE NOTED, UNLESS
NOTED OTHERWISE.

SET 3/4" x 24" IRON PIPE TAGGED L.S. 6805 AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.

INDICATES RESTRICTED ACCESS

CURVE SYMBOL

(11)

7 CENTERLINE COORDINATE REFERENCE

I.N.	INSTRUMENT NUMBER
1	1000
2	1001
3	1002
4	1003
5	1004
6	1005
7	1006
8	1007
9	1008
10	1009
11	1010
12	1011
13	1012
14	1013
15	1014
16	1015
17	1016
18	1017
19	1018
20	1019
21	1020
22	1021
23	1022
24	1023
25	1024
26	1025
27	1026
28	1027
29	1028
30	1029
31	1030
32	1031
33	1032
34	1033
35	1034
36	1035
37	1036
38	1037
39	1038
40	1039
41	1040
42	1041
43	1042
44	1043
45	1044
46	1045
47	1046
48	1047
49	1048
50	1049
51	1050
52	1051
53	1052
54	1053
55	1054
56	1055
57	1056
58	1057
59	1058
60	1059
61	1060
62	1061
63	1062
64	1063
65	1064
66	1065
67	1066
68	1067
69	1068
70	1069
71	1070
72	1071
73	1072
74	1073
75	1074
76	1075
77	1076
78	1077
79	1078
80	1079
81	1080
82	1081
83	1082
84	1083
85	1084
86	1085
87	1086
88	1087
89	1088
90	1089
91	1090
92	1091
93	1092
94	1093
95	1094
96	1095
97	1096
98	1097
99	1098
100	1099

I.P. IRON PIPE
M.&P. MAPS AND PLATS

O.R. OFFICIAL RECORDS

P.M. PARCEL MAP
P.U.E. PUBLIC UTILITY EASEMENT

W.M.E.
PROPOSED WALL MAINTENANCE EASEMENT
(SEE NOTE 14 SHEET 1)

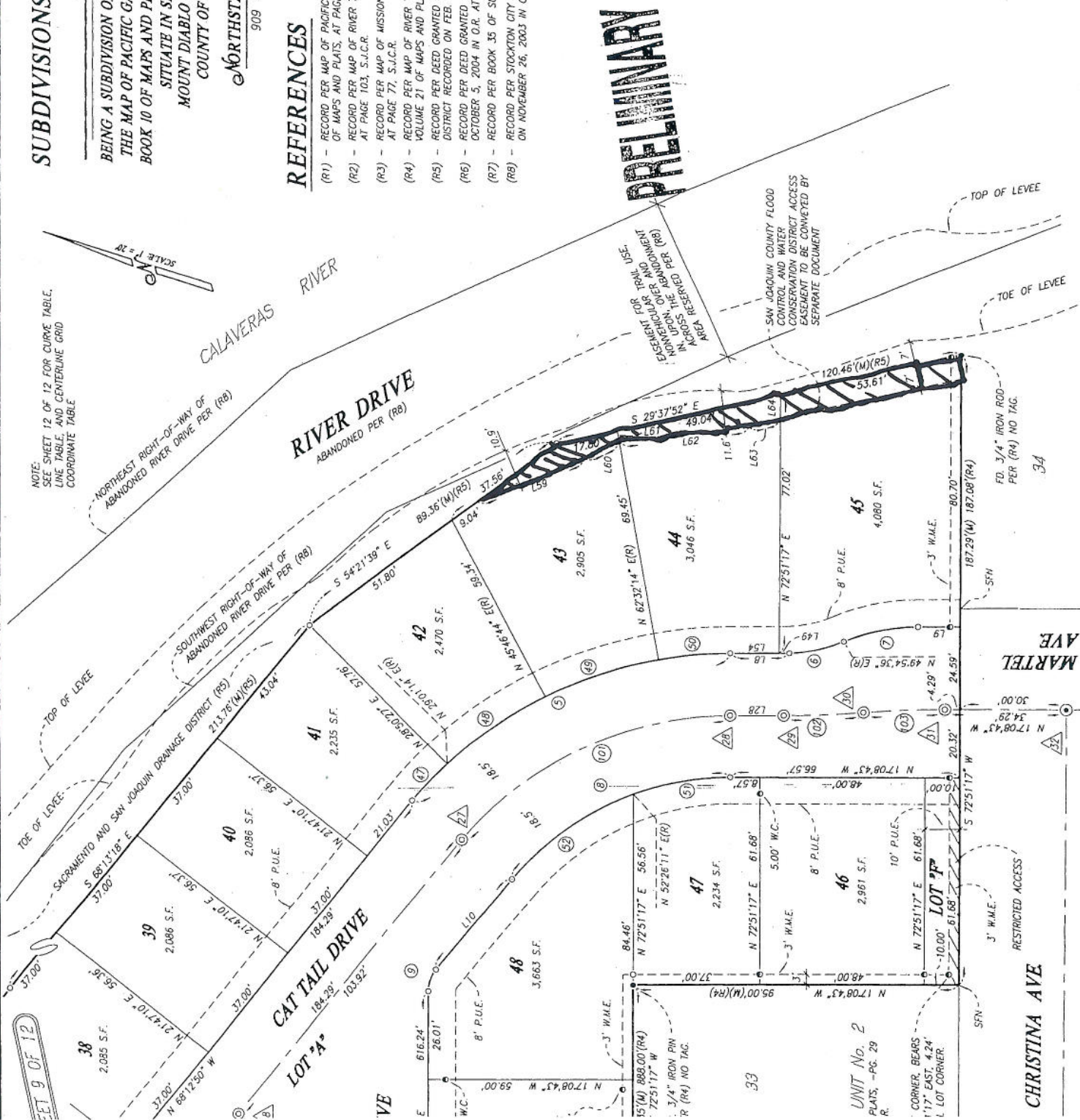
(R) RADIAL BEARING

SFN
SEARCHED, FOUND NOTHING. NOTHING SET,
UNLESS SHOWN OTHERWISE.

S.J.C.R. SAN JOAQUIN COUNTY RECORDS

W.C. INDICATES A SET WITNESS CORNER, MEASURED ALONG THE LOT LINE OR NOTED BEARING, FROM ACTUAL LOT CORNER THE DISTANCE NOTED.

SHEET 11 OF 12



SUBDIVISIONS OF SAN JOAQUIN COUNTY RIVER WALK

BEING A SUBDIVISION OF A PORTION OF LOTS 37, 38 AND 39 AS SHOWN ON THE MAP OF PACIFIC GARDENS FILED FOR RECORD ON JUNE 29, 1925 IN BOOK 10 OF MAPS AND PLATS, AT PAGE 98, SAN JOAQUIN COUNTY RECORDS, SITUATE IN SECTION 7A OF THE C.M. WEBER GRANT, MOUNT DIABLO BASE AND MERIDIAN, CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

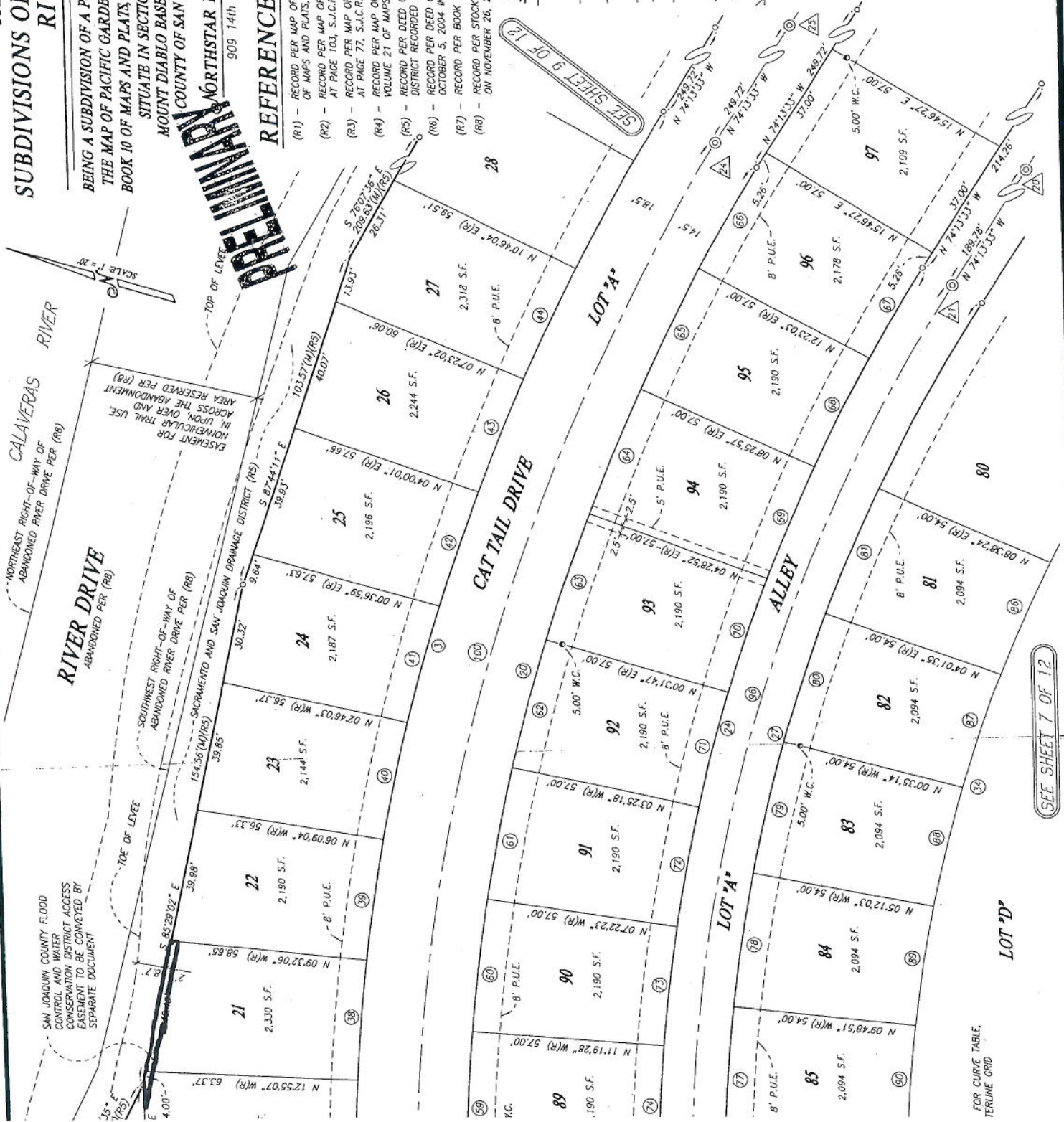
PRELIMINARY NORTHSTAR ENGINEERING GROUP, INC.
909 14th Street, Modesto, CA 95354
(209) 524-3525

REFERENCES

- (R1) - RECORD PER MAP OF PACIFIC GARDENS RECORDED ON JUNE 29, 1925 IN BOOK 10 OF MAPS AND PLATS, AT PAGE 98, S.J.C.R.
(R2) - RECORD PER MAP OF RIVER TERRACE RECORDED IN BOOK 11 OF MAPS AND PLATS, AT PAGE 103, S.J.C.R.
(R3) - RECORD PER MAP OF MISSION VILLAGE RECORDED IN BOOK 13 OF MAPS AND PLATS, AT PAGE 77, S.J.C.R.
(R4) - RECORD PER MAP OF RIVER TERRACE UNIT No. 2 RECORDED ON MAY 7, 1975 IN VOLUME 21 OF MAPS AND PLATS, AT PAGE 29, S.J.C.R.
(R5) - RECORD PER DEED GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT RECORDED ON FEB. 11, 1971 IN BOOK 3490 O.R., AT PAGE 64, S.J.C.R.
(R6) - RECORD PER DEED GRANTED TO KIMBALL HILL ET AL., AND RECORDED ON OCTOBER 5, 2004 IN O.R., AT DOCUMENT No. 2004-226142, S.J.C.R.
(R7) - RECORD PER BOOK 35 OF SURVEYS, AT PAGE 5, S.J.C.R.
(R8) - RECORD PER STOCKTON CITY COUNCIL RESOLUTION NO. 03-0692, AND RECORDED ON NOVEMBER 26, 2003 IN O.R., AT DOCUMENT No. 2003-273390, S.J.C.R.

LEGEND

- FD, BRASS DISC MARKING CITY OF STOCKTON CONTROL MONUMENT IN MONUMENT BOX FOR GPS CONTROL PER (R3)
SET 3/4" X 24" IRON PIPE, TAGGED LS 6805, IN MONUMENT WELL UNLESS NOTED OTHERWISE.
FD, 3/4" REBAR TAGGED LS ICE 14269, IN MONUMENT WELL PER (R4), UNLESS NOTED OTHERWISE.
FD, MONUMENT AS NOTED
SET 3/4" X 24" IRON PIPE, TAGGED LS, 6805 INDICATES A SET 3.00' WITNESS CORNER, MEASURED ALONG THE LOT LINE OR NOTED BEARING, FROM ACTUAL LOT CORNER THE DISTANCE NOTED, UNLESS NOTED OTHERWISE.
SUBDIVISION BOUNDARY LINE
SET 3/4" X 24" IRON PIPE TAGGED L.S. 6805 AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
INDICATES RESTRICTED ACCESS
CURVE SYMBOL
CENTERLINE COORDINATE REFERENCE
INSTRUMENT NUMBER
IRON PIPE
MAPS AND PLATS
OFFICIAL RECORDS
PARCEL MAP
PUBLIC UTILITY EASEMENT
PROPOSED WALL MAINTENANCE EASEMENT (SEE NOTE 14, SHEET 3)
RADIAL BEARING
SEARCHED, FOUND NOTHING SET, UNLESS SHOWN OTHERWISE.
SAN JOAQUIN COUNTY RECORDS
INDICATES A SET WITNESS CORNER, MEASURED ALONG THE LOT LINE OR NOTED BEARING, FROM ACTUAL LOT CORNER THE DISTANCE NOTED.
S.J.C.R.
W.C.



SEE SHEET 7 OF 12

LOT 'D'

FOR CURVE TABLE,
TERLINE GRID

SEE SHEET 8 OF 12

Agenda Item # 7

PLACE HOLDER FOR:

LEVEE MAINTANCE EASEMENT DEED TO
RIVER WALK HOMEOWNERS' ASSOCIATION

Document not available at time of publication.

Agenda Item # 7

PLACE HOLDER FOR:

LEVEE MAINTENANCE ACCESS EASEMENT FROM
KIMBALL HILL HOMES OF CALIFORNIA, INC.

Document not available at time of publication.

EXHIBIT A
LEGAL DESCRIPTION OF SERVIENT TENEMENT

STATE OF CALIFORNIA)
) ss
COUNTY OF _____)

On _____, before me, _____, Notary Public,
personally appeared _____ personally known to me OR proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

(seal)

[illegible]

On _____, before me, _____, Notary Public,
personally appeared _____ personally known to me OR proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public